

FIREARM DISCHARGE REVIEW BOARD

This order outlines the functions and responsibilities of the Firearm¹ Discharge Review Board and delineates the procedures for reviewing, investigating, and reporting to the Police Commission, cases in which members discharge a firearm.

I. POLICY

A. DUTIES OF BOARD

It is the policy of the San Francisco Police Department to review every instance in which a firearm is discharged whether or not such discharge results in an injury or death. The Firearm Discharge Review Board shall review every discharge of a firearm by a member.

The purpose of this review process is to ensure that the department is continually reviewing its training, policy and procedures in light of the circumstances that lead to firearm discharges by members and to determine if the discharge was in policy.

The San Francisco Police Department recognizes the public's right to know about this department's use of deadly force. It is the policy of the San Francisco Police Department to provide as much information as possible through this public reporting process while complying with applicable civil and criminal laws and preserving the integrity of ongoing investigations.

B. DEFINITIONS

- Officer-involved shooting.

An officer's discharge of a firearm that results in the physical injury or death of a person, even if it is an accidental discharge.

- Officer-involved discharge.

An officer's discharge of a firearm that does not cause injury or death to a person. Shooting at, injuring, or killing animals also fall into this category, including an accidental discharge that does not cause injury.

¹ For the purpose of this order, "firearm" is defined in conformance with California Penal Code Section 12001(b), excluding Extended Range Impact Weapons shall not be considered firearms within the meaning of this order.

C. COMPOSITION

1. The Department Firearm Discharge Review Board shall be composed of:
 - Member of the Police Commission, Advisory
 - Deputy Chief of the Administration Bureau, Chair
 - Deputy Chief of the Field Operations Bureau
 - Deputy Chief of the Airport Bureau
 - Deputy Chief of the Investigations Bureau
 - Range Master, Advisory
 - Commanding Officer of Risk Management, Advisory
 - Director of the Office of Citizen Complaints (OCC), Advisory
2. The Police Commission member shall be appointed by the Commission President and serve a one year term.

D. FUNCTION:

Officer Involved Shootings:

1. Within 30 calendar days following receipt of investigatory reports from the Homicide Detail and Management Control Division regarding a shooting event, the Chair of the Department Firearm Discharge Review Board shall convene the panel to determine whether the shooting was within policy. Within 30 days following the first meeting of the Firearm Discharge Review Board, the Chair shall report the status of the matter to the Commission. Within 120 days following the first meeting of the Firearm Discharge Review Board the panel shall complete its investigation and issue its findings in accordance with this policy.
2. The Firearm Discharge Review Board shall review written reports submitted by the Homicide Detail - Criminal Investigation, and the Management Control Division - Administrative Investigation.
3. The Firearm Discharge Review Board shall review the submitted reports and interview the involved investigators, as necessary.

4. The Firearm Discharge Review Board shall discuss the circumstances surrounding the shooting event and the response of the officer(s). Within 15 days of completion of the investigation referred to in paragraph I. D.1., the Firearm Discharge Review Board will submit to the Chief of Police, for his/her concurrence, a written summary of its findings on the officer-involved shooting. This summary shall indicate one of the following findings:

In Policy - The actions of the officer in response to the circumstances leading to the discharge of his/her firearm were appropriate and consistent with department policy.

Not in Policy - The discharge of the firearm was not appropriate under the circumstances and was not consistent with department policy.

This finding shall be accompanied by a recommendation for discipline, or a referral to M.C.D. for further investigation. The Firearm Discharge Review Board shall assign a due date for cases found Not in Policy and referred back to MCD for further investigation.

These findings, In Policy, Not in Policy, shall also include a review of applicable department policy, lack of department policy and recommendations for further policy adoptions.

Further Investigation – Matter referred back to M.C.D. for further investigation or clarification, with a stated due date to the Review Board.

The Chief shall review for concurrence and forward the Firearm Discharge Review Board's written summary to the Police Commission, with a copy to the OCC Director, within 15 days of receipt. In the event of disagreement between Management Control and the Firearm Discharge Review Board, the Chief of Police shall make the final decision. This summary report with the Chief's decision shall be a public record. No report that is made public shall disclose any information deemed confidential by law.

The Director of the O.C.C. shall review the investigation and summary and recommend any further action (including an independent investigation) that the Director concludes is warranted. A summary of the O.C.C. Director's recommendations shall be a public record.

The Police Commission shall review the Firearm Discharge Review Board's summary and the O.C.C. Director's recommendations and take action as appropriate. No report that is made public shall disclose information deemed confidential by law.

Officer Involved Discharges:

At least once during each quarter of the year, the Firearm Discharge Review Board shall convene to review all Officer Involved Discharges investigated by the Commanding Officers of the members involved. The Firearms Discharge Review Board will meet on the 3rd Tuesday of March, June, September and December to review Officer Involved Discharges that were not addressed in previous meetings during the respective quarter.

The Firearm Discharge Review Board shall review the submitted reports and interview the involved investigators, as necessary.

These discharges shall be reported to the Commission on a quarterly basis. A summary report will be provided at the 1st Police Commission meeting following the reporting quarter. Police Commissioners shall have complete access to reports.

E. POLICE COMMISSION QUARTERLY REPORT

The Chair of the Firearm Discharge Review Board shall prepare a quarterly report to the Police Commission, and a copy to the Director of the O.C.C., that contains a summary of each Officer-Involved Shooting and Officer-Involved Discharge, any disciplinary action or training recommended, and proposals for modifying department policy. This report shall be a public record. No report that is made public shall disclose any information deemed confidential by law.